

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18251 of 2020

Arising Out of PS. Case No.-279 Year-2019 Thana- CHHATAUNI District- East Champaran

RANJAN KUMAR GUPTA Son of Kailash Prasad Gupta Resident of Village
- Gurhanama, P.S.- Kundwa Chainpur, Distt - East Champaran at Motihari.
... .. Petitioner

Versus

The State of Bihar Opposite Party

Appearance :

For the Petitioner/s : Mr. Ratna Priya, Advocate
Mr. Ashok Kumar Jha, Advocate
For the Opposite Party/s : Mr.Dr. Ajeet Kumar, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

3 26-06-2020 As of now the Courts have not resumed normal physical hearing, the matter has been listed today for consideration through Video Conferencing.

The learned counsels are appearing and making submissions from their residence. The Court Master and Secretary are also part of this virtual court proceedings from their homes, all with the aid of audio visual technology.

Heard learned Counsel for the petitioner and the learned Counsel for the State.

Petitioner seeks bail in Chatauni PS Case No. 279 of 2019 registered under Sections 498A, 313, 354B, 328, 406/34 of the IPC and Sections 2 & 4 of the Dowry Prohibition Act.

The FIR has been lodged on the basis of complaint case, wherein the informant alleges that her marriage was solemnised on 28.11.2013 with the instant petitioner. Fifteen lakh cash and articles worth five lakh rupees were given at the time of marriage. After marriage, she alleges torture for fulfillment of demand of a four wheeler. She alleges termination of her pregnancy by the accused persons after ascertaining the sex of the child in the womb. Other allegation is that co-accused Nitesh Kumar Gupta has attempted to establish physical relation with her and also misbehaved. There is allegation of brutal assault against the petitioner.



Counsel for the informant has also appeared. It is submitted that the petitioner's divorce case filed on 26.4.2019 is pending. The informant has also lodged maintenance case on 17.6.2019.

Falsity of the prosecution allegation in the complaint case is evident from the fact that the court has taken cognizance of the offence only under Section 498A IPC.

Learned APP has opposed the prayer for bail.

In view of the submissions advanced by the parties with agreement, this Court for the present does not consider it necessary to go into the aforesaid submissions advanced by the petitioner's counsel. The parties are in agreement that without prejudice to the rights of the parties in the pending maintenance case and for the purpose of availing the privilege of bail the petitioner is willing to deposit Rs. 4000/- per month in favour of the complainant/informant.

The petitioner in view of the aforesaid submission would approach the court below, furnish an undertaking to this effect along with the first payment of Rs. 4000/-. Upon such undertaking being furnished along with the amount, the petitioner may be granted provisional bail by the court below.

The Court concerned shall monitor payment of this amount for six months. The petitioner's provisional bail thereafter may be confirmed or the court concerned may pass appropriate orders in case the undertaking given by the petitioner in any way is dishonoured.

This application is disposed of.

(Madhuresh Prasad, J)

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